

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**HUAWEI TECHNOLOGIES CO. LTD.,**

**Plaintiff,**

**v.**

**T-MOBILE US, INC. and T-MOBILE USA,  
INC.,**

**Defendants,**

**NOKIA SOLUTIONS AND NETWORKS  
US LLC and NOKIA SOLUTIONS AND  
NETWORKS OY,**

**Intervenors.**

**Civil Action Nos.     2:16-cv-52-JRG-RSP**

**DOCKET CONTROL ORDER**

In accordance with the scheduling conference held in this case, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

October 2, 2017	*Jury Selection – 9:00 a.m. in <b>Marshall, Texas</b>
September 11, 2017	*Pretrial Conference – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Judge Roy Payne
August 30, 2017	*Notify Court of Agreements Reached During Meet and Confer  The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
August 28, 2017	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, and Responses to Motions <i>in Limine</i>

August 21, 2017	<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
August 14, 2017	<p>File Motions <i>in Limine</i></p> <p>The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.</p>
August 14, 2017	Serve Objections to Rebuttal Pretrial Disclosures
July 31, 2017	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
July 24, 2017	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
June 26, 2017	<p>*File Dispositive Motions or Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No dispositive motion or motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
June 23, 2017	Deadline to Complete Expert Discovery
June 5, 2017	Serve Disclosures for Rebuttal Expert Witnesses
April 28, 2017	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
May 15, 2017	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
March 28, 2017	<p>Deadline to Complete Mediation</p> <p>The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.</p>
March 21, 2017	Comply with P.R. 3-7 (Opinion of Counsel Defenses)

February 28, 2017	*Claim Construction Hearing – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Roy Payne
February 14, 2017	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
February 7, 2017	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
January 31, 2017	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
January 17, 2017	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)  Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
January 17, 2017	Deadline to Substantially Complete Document Production and Exchange Privilege Logs  Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
January 3, 2017	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
December 20, 2016	File Response to Amended Pleadings
December 6, 2016	*File Amended Pleadings  It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
December 6, 2016	Comply with P.R. 4-3 (Joint Claim Construction Statement)
November 15, 2016	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
October 25, 2016	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
August 11, 2016	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
July 29, 2016	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures)  The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.

July 22, 2016	*File Proposed Docket Control Order and Proposed Discovery Order  The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
July 7, 2016	Join Additional Parties
July 3, 2016	*File Notice of Mediator
June 16, 2016	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(\*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

### **ADDITIONAL REQUIREMENTS**

**Notice of Mediator:** The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

**Indefiniteness:** In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

**Motions for Continuance:** The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

**Amendments to the Docket Control Order (“DCO”):** Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

**SIGNED this 27th day of July, 2016.**

  
ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE